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**FACSIMILE TRANSMITTAL**

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**TO:**Name: Mail Stop AF  
Group Art Unit 3733 / Examiner Richard R. Shaffer

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/802,906

Gary K. Michelson

Filed: March 17, 2004

ORTHOPEDIC IMPLANT WITH LOCKING

ELEMENT (as amended)

Attorney Docket No. 101.0058-03000

Customer No. 22882

Confirmation No.: 5309

**FROM:**

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 11

Date: July 8, 2008

Confirmation Copy to Follow: NO

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I hereby certify that the attached Transmittal Form (in duplicate; the total amount of \$510.00 to cover the fee for a Notice of Appeal is to be charged to Deposit Account No. 50-3726), Notice of Appeal, and Pre-Appeal Brief Request for Review with Form PTO/SB/33 are being facsimile transmitted to the U.S. Patent and Trademark Office on July 8, 2008.

  
David M. Kogan

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FORM PTO-1083

Attorney Docket No.: 101.0058-03000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/802,906

Filed: March 17, 2004

For: ORTHOPEDIC IMPLANT WITH  
LOCKING ELEMENT (as amended)

Confirmation No.: 5309

Art Unit: 3733

Examiner: Richard R. Shaffer

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JUL 08 2008

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Notice of Appeal in reply to the Advisory Action dated June 26, 2008 and further to the Final Office Action dated April 8, 2008 in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☒ Pre-Appeal Brief Request for Review and Form PTO/SB/33 are enclosed.
- ☒ The total amount of \$510.00 to cover the fee for a Notice of Appeal is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726.
- A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: July 8, 2008

By: 

Amedeo F. Ferraro

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Transmittal of Notice of Appeal 7-8-08

FORM PTO-1083

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MARTIN & FERRARO, LLP

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